



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3108

Introduced 2/8/2010, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/2A-1.2	from Ch. 46, par. 2A-1.2
10 ILCS 5/7-10	from Ch. 46, par. 7-10
10 ILCS 5/7-43	from Ch. 46, par. 7-43
10 ILCS 5/7-44	from Ch. 46, par. 7-44
10 ILCS 5/7-105 new	
10 ILCS 5/16-6.2 new	
10 ILCS 5/19-25 new	
10 ILCS 5/20-25 new	

Amends the Election Code. Provides for the election of Supreme, Appellate, and Circuit Court judges, State's Attorneys, and sheriffs at the general election on a non-partisan (now, partisan) basis. Requires those seeking nomination as candidates for those offices to circulate and file non-partisan petitions to appear on the general primary ballot. Makes the minimum number of petition signatures required for the offices of State's Attorney and sheriff the lesser of 500 (or 3,000 in Cook County) or 0.5 % of the number of votes cast in the county (or counties, if a multi-county office) at the last general election (now, 0.5% of the number of votes of the relevant political party cast in the county or counties at the last general election). Limits the number of candidates nominated for each of those offices at the general primary to twice the number of persons to be elected to that office at the general election. Effective January 1, 2011.

LRB096 19891 JAM 35351 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 2A-1.2, 7-10, 7-43, and 7-44 and by adding Sections
6 7-105, 16-6.2, 19-25, and 20-25 as follows:

7 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

8 Sec. 2A-1.2. Consolidated Schedule of Elections - Offices
9 Designated.

10 (a) At the general election in the appropriate
11 even-numbered years, the following offices shall be filled or
12 shall be on the ballot as otherwise required by this Code:

13 (1) Elector of President and Vice President of the
14 United States;

15 (2) United States Senator and United States
16 Representative;

17 (3) State Executive Branch elected officers;

18 (4) State Senator and State Representative;

19 (5) County elected officers, including State's
20 Attorney, County Board member, County Commissioners, and
21 elected President of the County Board or County Chief
22 Executive; provided that the election of State's Attorneys
23 and sheriffs shall be non-partisan;

1 (6) Circuit Court Clerk;

2 (7) Regional Superintendent of Schools, except in
3 counties or educational service regions in which that
4 office has been abolished;

5 (8) Judges of the Supreme, Appellate and Circuit
6 Courts, on the question of retention, to fill vacancies and
7 newly created judicial offices; and their retention or
8 election shall be non-partisan;

9 (9) (Blank);

10 (10) Trustee of the Metropolitan Sanitary District of
11 Chicago, and elected Trustee of other Sanitary Districts;

12 (11) Special District elected officers, not otherwise
13 designated in this Section, where the statute creating or
14 authorizing the creation of the district requires an annual
15 election and permits or requires election of candidates of
16 political parties.

17 (b) At the general primary election:

18 (1) in each even-numbered year candidates of political
19 parties shall be nominated for those offices (other than
20 those offices designated in subsection (a) as
21 non-partisan) to be filled at the general election in that
22 year, except where pursuant to law nomination of candidates
23 of political parties is made by caucus.

24 (1.3) in each even-numbered year, non-partisan
25 candidates shall be nominated for vacant and newly created
26 offices of Judges of the Supreme, Appellate, and Circuit

1 Courts to be filled at the general election in that year.
2 The number of persons nominated to each office shall not
3 exceed twice the number of persons to be elected to that
4 office at the general election in that year.

5 (1.5) in each even-numbered year, no more than 2
6 non-partisan candidates shall be nominated for each of the
7 offices of State's Attorney and sheriff to be filled at the
8 general election in that year.

9 (2) in the appropriate even-numbered years the
10 political party offices of State central committeeman,
11 township committeeman, ward committeeman, and precinct
12 committeeman shall be filled and delegates and alternate
13 delegates to the National nominating conventions shall be
14 elected as may be required pursuant to this Code. In the
15 even-numbered years in which a Presidential election is to
16 be held, candidates in the Presidential preference primary
17 shall also be on the ballot.

18 (3) in each even-numbered year, where the municipality
19 has provided for annual elections to elect municipal
20 officers pursuant to Section 6(f) or Section 7 of Article
21 VII of the Constitution, pursuant to the Illinois Municipal
22 Code or pursuant to the municipal charter, the offices of
23 such municipal officers shall be filled at an election held
24 on the date of the general primary election, provided that
25 the municipal election shall be a nonpartisan election
26 where required by the Illinois Municipal Code. For partisan

1 municipal elections in even-numbered years, a primary to
2 nominate candidates for municipal office to be elected at
3 the general primary election shall be held on the Tuesday 6
4 weeks preceding that election.

5 (4) in each school district which has adopted the
6 provisions of Article 33 of the School Code, successors to
7 the members of the board of education whose terms expire in
8 the year in which the general primary is held shall be
9 elected.

10 (c) At the consolidated election in the appropriate
11 odd-numbered years, the following offices shall be filled:

12 (1) Municipal officers, provided that in
13 municipalities in which candidates for alderman or other
14 municipal office are not permitted by law to be candidates
15 of political parties, the runoff election where required by
16 law, or the nonpartisan election where required by law,
17 shall be held on the date of the consolidated election; and
18 provided further, in the case of municipal officers
19 provided for by an ordinance providing the form of
20 government of the municipality pursuant to Section 7 of
21 Article VII of the Constitution, such offices shall be
22 filled by election or by runoff election as may be provided
23 by such ordinance;

24 (2) Village and incorporated town library directors;

25 (3) City boards of stadium commissioners;

26 (4) Commissioners of park districts;

- 1 (5) Trustees of public library districts;
- 2 (6) Special District elected officers, not otherwise
3 designated in this section, where the statute creating or
4 authorizing the creation of the district permits or
5 requires election of candidates of political parties;
- 6 (7) Township officers, including township park
7 commissioners, township library directors, and boards of
8 managers of community buildings, and Multi-Township
9 Assessors;
- 10 (8) Highway commissioners and road district clerks;
- 11 (9) Members of school boards in school districts which
12 adopt Article 33 of the School Code;
- 13 (10) The directors and chairman of the Chain O Lakes -
14 Fox River Waterway Management Agency;
- 15 (11) Forest preserve district commissioners elected
16 under Section 3.5 of the Downstate Forest Preserve District
17 Act;
- 18 (12) Elected members of school boards, school
19 trustees, directors of boards of school directors,
20 trustees of county boards of school trustees (except in
21 counties or educational service regions having a
22 population of 2,000,000 or more inhabitants) and members of
23 boards of school inspectors, except school boards in school
24 districts that adopt Article 33 of the School Code;
- 25 (13) Members of Community College district boards;
- 26 (14) Trustees of Fire Protection Districts;

1 (15) Commissioners of the Springfield Metropolitan
2 Exposition and Auditorium Authority;

3 (16) Elected Trustees of Tuberculosis Sanitarium
4 Districts;

5 (17) Elected Officers of special districts not
6 otherwise designated in this Section for which the law
7 governing those districts does not permit candidates of
8 political parties.

9 (d) At the consolidated primary election in each
10 odd-numbered year, candidates of political parties shall be
11 nominated for those offices to be filled at the consolidated
12 election in that year, except where pursuant to law nomination
13 of candidates of political parties is made by caucus, and
14 except those offices listed in paragraphs (12) through (17) of
15 subsection (c).

16 At the consolidated primary election in the appropriate
17 odd-numbered years, the mayor, clerk, treasurer, and aldermen
18 shall be elected in municipalities in which candidates for
19 mayor, clerk, treasurer, or alderman are not permitted by law
20 to be candidates of political parties, subject to runoff
21 elections to be held at the consolidated election as may be
22 required by law, and municipal officers shall be nominated in a
23 nonpartisan election in municipalities in which pursuant to law
24 candidates for such office are not permitted to be candidates
25 of political parties.

26 At the consolidated primary election in the appropriate

1 odd-numbered years, municipal officers shall be nominated or
2 elected, or elected subject to a runoff, as may be provided by
3 an ordinance providing a form of government of the municipality
4 pursuant to Section 7 of Article VII of the Constitution.

5 (e) (Blank).

6 (f) At any election established in Section 2A-1.1, public
7 questions may be submitted to voters pursuant to this Code and
8 any special election otherwise required or authorized by law or
9 by court order may be conducted pursuant to this Code.

10 Notwithstanding the regular dates for election of officers
11 established in this Article, whenever a referendum is held for
12 the establishment of a political subdivision whose officers are
13 to be elected, the initial officers shall be elected at the
14 election at which such referendum is held if otherwise so
15 provided by law. In such cases, the election of the initial
16 officers shall be subject to the referendum.

17 Notwithstanding the regular dates for election of
18 officials established in this Article, any community college
19 district which becomes effective by operation of law pursuant
20 to Section 6-6.1 of the Public Community College Act, as now or
21 hereafter amended, shall elect the initial district board
22 members at the next regularly scheduled election following the
23 effective date of the new district.

24 (g) At any election established in Section 2A-1.1, if in
25 any precinct there are no offices or public questions required
26 to be on the ballot under this Code then no election shall be

1 held in the precinct on that date.

2 (h) There may be conducted a referendum in accordance with
3 the provisions of Division 6-4 of the Counties Code.

4 (Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626,
5 eff. 8-9-96; 90-358, eff. 1-1-98.)

6 (10 ILCS 5/7-10) (from Ch. 46, par. 7-10)

7 Sec. 7-10. Form of petition for nomination. The name of no
8 candidate for nomination, or State central committeeman, or
9 township committeeman, or precinct committeeman, or ward
10 committeeman or candidate for delegate or alternate delegate to
11 national nominating conventions, shall be printed upon the
12 primary ballot unless a petition for nomination has been filed
13 in his behalf as provided in this Article in substantially the
14 following form:

15 We, the undersigned, members of and affiliated with the
16 party and qualified primary electors of the party, in
17 the of, in the county of and State of Illinois,
18 do hereby petition that the following named person or persons
19 shall be a candidate or candidates of the party for the
20 nomination for (or in case of committeemen for election to) the
21 office or offices hereinafter specified, to be voted for at the
22 primary election to be held on (insert date).

23	Name	Office	Address
24	John Jones	Governor	Belvidere, Ill.
25	Thomas Smith	Attorney General	Oakland, Ill.

1 Name..... Address.....

2 State of Illinois)

3) ss.

4 County of.....)

5 I,, do hereby certify that I reside at No.
6 street, in the of, county of, and State of
7, that I am 18 years of age or older, that I am a citizen
8 of the United States, and that the signatures on this sheet
9 were signed in my presence, and are genuine, and that to the
10 best of my knowledge and belief the persons so signing were at
11 the time of signing the petitions qualified voters of the
12 party, and that their respective residences are correctly
13 stated, as above set forth.

14

15 Subscribed and sworn to before me on (insert date).

16

17 Each sheet of the petition other than the statement of
18 candidacy and candidate's statement shall be of uniform size
19 and shall contain above the space for signatures an appropriate
20 heading giving the information as to name of candidate or
21 candidates, in whose behalf such petition is signed; the
22 office, the political party represented and place of residence;
23 and the heading of each sheet shall be the same.

1 Such petition shall be signed by qualified primary electors
2 residing in the political division for which the nomination is
3 sought in their own proper persons only and opposite the
4 signature of each signer, his residence address shall be
5 written or printed. The residence address required to be
6 written or printed opposite each qualified primary elector's
7 name shall include the street address or rural route number of
8 the signer, as the case may be, as well as the signer's county,
9 and city, village or town, and state. However the county or
10 city, village or town, and state of residence of the electors
11 may be printed on the petition forms where all of the electors
12 signing the petition reside in the same county or city, village
13 or town, and state. Standard abbreviations may be used in
14 writing the residence address, including street number, if any.
15 At the bottom of each sheet of such petition shall be added a
16 circulator statement signed by a person 18 years of age or
17 older who is a citizen of the United States, stating the street
18 address or rural route number, as the case may be, as well as
19 the county, city, village or town, and state; and certifying
20 that the signatures on that sheet of the petition were signed
21 in his or her presence and certifying that the signatures are
22 genuine; and either (1) indicating the dates on which that
23 sheet was circulated, or (2) indicating the first and last
24 dates on which the sheet was circulated, or (3) certifying that
25 none of the signatures on the sheet were signed more than 90
26 days preceding the last day for the filing of the petition and

1 certifying that to the best of his or her knowledge and belief
2 the persons so signing were at the time of signing the
3 petitions qualified voters of the political party for which a
4 nomination is sought. Such statement shall be sworn to before
5 some officer authorized to administer oaths in this State.

6 No petition sheet shall be circulated more than 90 days
7 preceding the last day provided in Section 7-12 for the filing
8 of such petition.

9 The person circulating the petition, or the candidate on
10 whose behalf the petition is circulated, may strike any
11 signature from the petition, provided that:

12 (1) the person striking the signature shall initial the
13 petition at the place where the signature is struck; and

14 (2) the person striking the signature shall sign a
15 certification listing the page number and line number of
16 each signature struck from the petition. Such
17 certification shall be filed as a part of the petition.

18 Such sheets before being filed shall be neatly fastened
19 together in book form, by placing the sheets in a pile and
20 fastening them together at one edge in a secure and suitable
21 manner, and the sheets shall then be numbered consecutively.
22 The sheets shall not be fastened by pasting them together end
23 to end, so as to form a continuous strip or roll. All petition
24 sheets which are filed with the proper local election
25 officials, election authorities or the State Board of Elections
26 shall be the original sheets which have been signed by the

1 voters and by the circulator thereof, and not photocopies or
2 duplicates of such sheets. Each petition must include as a part
3 thereof, a statement of candidacy for each of the candidates
4 filing, or in whose behalf the petition is filed. This
5 statement shall set out the address of such candidate, the
6 office for which he is a candidate, shall state that the
7 candidate is a qualified primary voter of the party to which
8 the petition relates and is qualified for the office specified
9 (in the case of a candidate for State's Attorney it shall state
10 that the candidate is at the time of filing such statement a
11 licensed attorney-at-law of this State), shall state that he
12 has filed (or will file before the close of the petition filing
13 period) a statement of economic interests as required by the
14 Illinois Governmental Ethics Act, shall request that the
15 candidate's name be placed upon the official ballot, and shall
16 be subscribed and sworn to by such candidate before some
17 officer authorized to take acknowledgment of deeds in the State
18 and shall be in substantially the following form:

19

Statement of Candidacy

20

Name	Address	Office	District	Party
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21

John Jones	102 Main St.	Governor	Statewide	Republican
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22

Belvidere,

23

Illinois

24

State of Illinois)

25

) ss.

1 County of)

2 I,, being first duly sworn, say that I reside at
3 Street in the city (or village) of, in the county of,
4 State of Illinois; that I am a qualified voter therein and am a
5 qualified primary voter of the party; that I am a
6 candidate for nomination (for election in the case of
7 committeeman and delegates and alternate delegates) to the
8 office of to be voted upon at the primary election to be
9 held on (insert date); that I am legally qualified (including
10 being the holder of any license that may be an eligibility
11 requirement for the office I seek the nomination for) to hold
12 such office and that I have filed (or I will file before the
13 close of the petition filing period) a statement of economic
14 interests as required by the Illinois Governmental Ethics Act
15 and I hereby request that my name be printed upon the official
16 primary ballot for nomination for (or election to in the case
17 of committeemen and delegates and alternate delegates) such
18 office.

19 Signed

20 Subscribed and sworn to (or affirmed) before me by,
21 who is to me personally known, on (insert date).

22 Signed

23 (Official Character)

24 (Seal, if officer has one.)

25 The petitions, when filed, shall not be withdrawn or added

1 to, and no signatures shall be revoked except by revocation
2 filed in writing with the State Board of Elections, election
3 authority or local election official with whom the petition is
4 required to be filed, and before the filing of such petition.
5 Whoever forges the name of a signer upon any petition required
6 by this Article is deemed guilty of a forgery and on conviction
7 thereof shall be punished accordingly.

8 A candidate for the offices listed in this Section must
9 obtain the number of signatures specified in this Section on
10 his or her petition for nomination.

11 (a) Statewide office or delegate to a national nominating
12 convention. If a candidate seeks to run for statewide office or
13 as a delegate or alternate delegate to a national nominating
14 convention elected from the State at-large, then the
15 candidate's petition for nomination must contain at least 5,000
16 but not more than 10,000 signatures.

17 (b) Congressional office or congressional delegate to a
18 national nominating convention. If a candidate seeks to run for
19 United States Congress or as a congressional delegate or
20 alternate congressional delegate to a national nominating
21 convention elected from a congressional district, then the
22 candidate's petition for nomination must contain at least the
23 number of signatures equal to 0.5% of the qualified primary
24 electors of his or her party in his or her congressional
25 district. In the first primary election following a
26 redistricting of congressional districts, a candidate's

1 petition for nomination must contain at least 600 signatures of
2 qualified primary electors of the candidate's political party
3 in his or her congressional district.

4 (c) County office. If a candidate seeks to run for any
5 countywide office, including but not limited to county board
6 chairperson or county board member, elected on an at-large
7 basis, in a county other than Cook County, then the candidate's
8 petition for nomination must contain at least the number of
9 signatures equal to (i) for an office other than State's
10 Attorney or sheriff, 0.5% of the qualified electors of his or
11 her party who cast votes at the last preceding general election
12 in his or her county or (ii) for the office of State's Attorney
13 or sheriff, the lesser of 500 or 0.5% of the qualified electors
14 who cast votes at the last preceding general election in his or
15 her county. If a candidate seeks to run for county board member
16 elected from a county board district, then the candidate's
17 petition for nomination must contain at least the number of
18 signatures equal to 0.5% of the qualified primary electors of
19 his or her party in the county board district. In the first
20 primary election following a redistricting of county board
21 districts or the initial establishment of county board
22 districts, a candidate's petition for nomination must contain
23 at least the number of signatures equal to 0.5% of the
24 qualified electors of his or her party in the entire county who
25 cast votes at the last preceding general election divided by
26 the total number of county board districts comprising the

1 county board; provided that in no event shall the number of
2 signatures be less than 25.

3 (d) County office; Cook County only.

4 (1) If a candidate seeks to run for countywide office
5 in Cook County, then the candidate's petition for
6 nomination must contain at least the number of signatures
7 equal to (i) for an office other than State's Attorney or
8 sheriff, 0.5% of the qualified electors of his or her party
9 who cast votes at the last preceding general election in
10 Cook County or (ii) for the office of State's Attorney or
11 sheriff, the lesser of 3,000 or 0.5% of the qualified
12 electors who cast votes at the last preceding general
13 election in his or her county.

14 (2) If a candidate seeks to run for Cook County Board
15 Commissioner, then the candidate's petition for nomination
16 must contain at least the number of signatures equal to
17 0.5% of the qualified primary electors of his or her party
18 in his or her county board district. In the first primary
19 election following a redistricting of Cook County Board of
20 Commissioners districts, a candidate's petition for
21 nomination must contain at least the number of signatures
22 equal to 0.5% of the qualified electors of his or her party
23 in the entire county who cast votes at the last preceding
24 general election divided by the total number of county
25 board districts comprising the county board; provided that
26 in no event shall the number of signatures be less than 25.

1 (3) If a candidate seeks to run for Cook County Board
2 of Review Commissioner, which is elected from a district
3 pursuant to subsection (c) of Section 5-5 of the Property
4 Tax Code, then the candidate's petition for nomination must
5 contain at least the number of signatures equal to 0.5% of
6 the total number of registered voters in his or her board
7 of review district in the last general election at which a
8 commissioner was regularly scheduled to be elected from
9 that board of review district. In no event shall the number
10 of signatures required be greater than the requisite number
11 for a candidate who seeks countywide office in Cook County
12 under subsection (d)(1) of this Section. In the first
13 primary election following a redistricting of Cook County
14 Board of Review districts, a candidate's petition for
15 nomination must contain at least 4,000 signatures or at
16 least the number of signatures required for a countywide
17 candidate in Cook County, whichever is less, of the
18 qualified electors of his or her party in the district.

19 (e) Municipal or township office. If a candidate seeks to
20 run for municipal or township office, then the candidate's
21 petition for nomination must contain at least the number of
22 signatures equal to 0.5% of the qualified primary electors of
23 his or her party in the municipality or township. If a
24 candidate seeks to run for alderman of a municipality, then the
25 candidate's petition for nomination must contain at least the
26 number of signatures equal to 0.5% of the qualified primary

1 electors of his or her party of the ward. In the first primary
2 election following redistricting of aldermanic wards or
3 trustee districts of a municipality or the initial
4 establishment of wards or districts, a candidate's petition for
5 nomination must contain the number of signatures equal to at
6 least 0.5% of the total number of votes cast for the candidate
7 of that political party who received the highest number of
8 votes in the entire municipality at the last regular election
9 at which an officer was regularly scheduled to be elected from
10 the entire municipality, divided by the number of wards or
11 districts. In no event shall the number of signatures be less
12 than 25.

13 (f) State central committeeperson. If a candidate seeks to
14 run for State central committeeperson, then the candidate's
15 petition for nomination must contain at least 100 signatures of
16 the primary electors of his or her party of his or her
17 congressional district.

18 (g) Sanitary district trustee. If a candidate seeks to run
19 for trustee of a sanitary district in which trustees are not
20 elected from wards, then the candidate's petition for
21 nomination must contain at least the number of signatures equal
22 to 0.5% of the primary electors of his or her party from the
23 sanitary district. If a candidate seeks to run for trustee of a
24 sanitary district in which trustees are elected from wards,
25 then the candidate's petition for nomination must contain at
26 least the number of signatures equal to 0.5% of the primary

1 electors of his or her party in the ward of that sanitary
2 district. In the first primary election following
3 redistricting of sanitary districts elected from wards, a
4 candidate's petition for nomination must contain at least the
5 signatures of 150 qualified primary electors of his or her ward
6 of that sanitary district.

7 (h) Judicial office. If a candidate seeks to run for
8 judicial office in a district, then the candidate's petition
9 for nomination must contain the number of signatures equal to
10 0.4% of the number of votes cast in that district for the
11 candidate ~~for his or her political party~~ for the office of
12 Governor who received the highest number of votes at the last
13 general election at which a Governor was elected, but in no
14 event less than 500 signatures. If a candidate seeks to run for
15 judicial office in a circuit or subcircuit, then the
16 candidate's petition for nomination must contain the number of
17 signatures equal to 0.25% of the number of votes cast for the
18 judicial candidate ~~of his or her political party~~ who received
19 the highest number of votes at the last general election at
20 which a judicial officer from the same circuit or subcircuit
21 was regularly scheduled to be elected, but in no event less
22 than 500 signatures.

23 (i) Precinct, ward, and township committeeperson. If a
24 candidate seeks to run for precinct committeeperson, then the
25 candidate's petition for nomination must contain at least 10
26 signatures of the primary electors of his or her party for the

1 precinct. If a candidate seeks to run for ward committeeperson,
2 then the candidate's petition for nomination must contain no
3 less than the number of signatures equal to 10% of the primary
4 electors of his or her party of the ward, but no more than 16%
5 of those same electors; provided that the maximum number of
6 signatures may be 50 more than the minimum number, whichever is
7 greater. If a candidate seeks to run for township
8 committeeperson, then the candidate's petition for nomination
9 must contain no less than the number of signatures equal to 5%
10 of the primary electors of his or her party of the township,
11 but no more than 8% of those same electors; provided that the
12 maximum number of signatures may be 50 more than the minimum
13 number, whichever is greater.

14 (j) State's attorney or regional superintendent of schools
15 for multiple counties. If a candidate seeks to run for State's
16 attorney or regional Superintendent of Schools who serves more
17 than one county, then the candidate's petition for nomination
18 must contain at least the number of signatures equal to (i) for
19 the office of regional superintendent of schools, 0.5% of the
20 primary electors of his or her party in the territory
21 comprising the counties or (ii) for the office of State's
22 Attorney, the lesser of 500 or 0.5% of the votes cast at the
23 last preceding general election in the territory comprising the
24 counties.

25 (k) Any other office. If a candidate seeks any other
26 office, then the candidate's petition for nomination must

1 contain at least the number of signatures equal to 0.5% of the
2 registered voters of the political subdivision, district, or
3 division for which the nomination is made or 25 signatures,
4 whichever is greater.

5 For purposes of this Section the number of primary electors
6 shall be determined by taking the total vote cast, in the
7 applicable district, for the candidate for that political party
8 who received the highest number of votes, statewide, at the
9 last general election in the State at which electors for
10 President of the United States were elected. For political
11 subdivisions, the number of primary electors shall be
12 determined by taking the total vote cast for the candidate for
13 that political party who received the highest number of votes
14 in the political subdivision at the last regular election at
15 which an officer was regularly scheduled to be elected from
16 that subdivision. For wards or districts of political
17 subdivisions, the number of primary electors shall be
18 determined by taking the total vote cast for the candidate for
19 that political party who received the highest number of votes
20 in the ward or district at the last regular election at which
21 an officer was regularly scheduled to be elected from that ward
22 or district.

23 A "qualified primary elector" of a party may not sign
24 petitions for or be a candidate in the primary of more than one
25 party.

26 The changes made to this Section of this amendatory Act of

1 the 93rd General Assembly are declarative of existing law,
2 except for item (3) of subsection (d).

3 Petitions of candidates for nomination for partisan
4 offices herein specified, to be filed with the same officer,
5 may contain the names of 2 or more candidates of the same
6 political party for the same or different offices.

7 Notwithstanding any provision of this Code to the contrary,
8 nominating petitions for judicial candidates and candidates
9 for the offices of State's Attorney and sheriff shall be
10 non-partisan and shall not contain any reference to the
11 political party affiliation of the candidates, circulators, or
12 signers.

13 (Source: P.A. 94-645, eff. 8-22-05; 95-699, eff. 11-9-07;
14 95-916, eff. 8-26-08.)

15 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

16 Sec. 7-43. Every person having resided in this State 6
17 months and in the precinct 30 days next preceding any primary
18 therein who shall be a citizen of the United States of the age
19 of 18 or more years, shall be entitled to vote at such primary.

20 The following regulations shall be applicable to voting for
21 partisan candidates at primaries:

22 No person shall be entitled to vote at a primary:

23 (a) Unless he declares his party affiliations as required
24 by this Article.

25 (b) (Blank.)

1 (c) (Blank.)

2 (c.5) If that person has participated in the town political
3 party caucus, under Section 45-50 of the Township Code, of
4 another political party by signing an affidavit of voters
5 attending the caucus within 45 days before the first day of the
6 calendar month in which the primary is held.

7 (d) (Blank.)

8 (e) In cities, villages and incorporated towns having a
9 board of election commissioners only voters registered as
10 provided by Article 6 of this Act shall be entitled to vote at
11 such primary.

12 (f) No person shall be entitled to vote at a primary unless
13 he is registered under the provisions of Articles 4, 5 or 6 of
14 this Act, when his registration is required by any of said
15 Articles to entitle him to vote at the election with reference
16 to which the primary is held.

17 (Source: P.A. 95-699, eff. 11-9-07.)

18 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

19 Sec. 7-44. Any person desiring to vote at a primary shall
20 state his name, residence and, if the person wishes to receive
21 a political party's ballot as well as the non-partisan ballot,
22 party affiliation to the primary judges, one of whom shall
23 thereupon announce the same in a distinct tone of voice,
24 sufficiently loud to be heard by all persons in the polling
25 place. When article 4, 5 or 6 is applicable the Certificate of

1 Registered Voter therein prescribed shall be made and signed
2 and the official poll record shall be made. If the person
3 desiring to vote is not challenged, one of the primary judges
4 shall give to him the non-partisan primary ballot and one, and
5 only one, primary ballot of the political party with which he
6 declares himself affiliated, on the back of which such primary
7 judge shall endorse his initials in such manner that they may
8 be seen when the primary ballot is properly folded. If the
9 person desiring to vote is challenged he shall not receive a
10 primary ballot from the primary judges until he shall have
11 established his right to vote as hereinafter provided. No
12 person who refuses to state his party affiliation shall be
13 allowed to vote a political party's ballot at a primary.

14 A person who declares his party affiliation with a
15 statewide established political party and requests a primary
16 ballot of such party may nonetheless also declare his
17 affiliation with a political party established only within a
18 political subdivision, and may also vote in the primary of such
19 local party on the same election day, provided that such voter
20 may not vote in both such party primaries with respect to
21 offices of the same political subdivision. However, no person
22 declaring his affiliation with a statewide established
23 political party may vote in the primary of any other statewide
24 political party on the same election day.

25 (Source: P.A. 81-1535.)

1 (10 ILCS 5/7-105 new)

2 Sec. 7-105. Non-partisan election of certain candidates.
3 Notwithstanding any other provision of law, the offices of
4 Judge of the Supreme, Appellate, or Circuit Court, State's
5 Attorney, and sheriff shall be filled beginning in 2012 by
6 non-partisan candidates nominated and elected without regard
7 to political party affiliation. A ballot separate from a
8 political party's ballot shall be used at the general primary
9 election for the nomination of candidates for offices subject
10 to this Section, and any reference in or requirement of this
11 Code to political party affiliation on nominating petitions,
12 general primary election ballots, or general election ballots
13 is inoperative with respect to candidates for offices subject
14 to this Section.

15 A vacancy in nomination with respect to an office subject
16 to this Section shall remain unfilled. Any appointment to fill
17 a vacancy in an office subject to this Section shall be made
18 without regard to the political party affiliation of the
19 appointee, notwithstanding any provision of law to the
20 contrary.

21 (10 ILCS 5/16-6.2 new)

22 Sec. 16-6.2. Non-partisan election of certain candidates.
23 Notwithstanding any other provision of law, the offices of
24 Judge of the Supreme, Appellate, or Circuit Court, State's
25 Attorney, and sheriff shall be filled beginning in 2012 by

1 non-partisan candidates nominated and elected without regard
2 to political party affiliation. A ballot separate from a
3 political party's ballot shall be used at the general primary
4 election for the nomination of candidates for offices subject
5 to this Section, and any reference in or requirement of this
6 Code to political party affiliation on nominating petitions,
7 general primary election ballots, or general election ballots
8 is inoperative with respect to candidates for offices subject
9 to this Section.

10 (10 ILCS 5/19-25 new)

11 Sec. 19-25. Non-partisan election of certain offices.
12 Notwithstanding any other provision of law, an application for
13 an absentee ballot for the general primary election in 2012 or
14 thereafter shall be construed to include an application for the
15 non-partisan ballot for the nomination of candidates for the
16 offices of Judge of the Supreme, Appellate, or Circuit Court,
17 State's Attorney, and sheriff, unless otherwise indicated by
18 the applicant.

19 Notwithstanding any other provision of this Article, an
20 absentee ballot applicant who requests only the non-partisan
21 ballot for the general primary election shall not be required
22 to state his or her political party affiliation.

23 (10 ILCS 5/20-25 new)

24 Sec. 20-25. Non-partisan election of certain offices.

1 Notwithstanding any other provision of law, an application for
2 an absentee ballot for the general primary election in 2012 or
3 thereafter shall be construed to include an application for the
4 non-partisan ballot for the nomination of candidates for the
5 offices of Judge of the Supreme, Appellate, or Circuit Court,
6 State's Attorney, and sheriff, unless otherwise indicated by
7 the applicant.

8 Notwithstanding any other provision of this Article, an
9 absentee ballot applicant who requests only the non-partisan
10 ballot for the general primary election shall not be required
11 to state his or her political party affiliation.

12 Section 99. Effective date. This Act takes effect January
13 1, 2011.